

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-1470

In Re: FRANKLIN CHARLES SMITH,

Petitioner.

On Petitions for Writs of Mandamus.

Submitted: August 10, 2016

Decided: August 30, 2016

Before MOTZ and AGEE, Circuit Judges, and DAVIS, Senior Circuit
Judge.

Petitions denied by unpublished per curiam opinion.

Franklin Charles Smith, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Franklin Charles Smith has filed a petition for a writ of mandamus and a supplemental petition for a writ of mandamus seeking an order compelling the lifting of an extradition order and his release from custody. We conclude that Smith is not entitled to mandamus relief.

Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. Kerr v. U.S. Dist. Court, 426 U.S. 394, 402 (1976); United States v. Moussaoui, 333 F.3d 509, 516-17 (4th Cir. 2003). Further, mandamus relief is available only when the petitioner has a clear right to the relief sought. In re First Fed. Sav. & Loan Ass'n, 860 F.2d 135, 138 (4th Cir. 1988). The relief sought by Smith is not available by way of mandamus.

Accordingly, although we grant leave to proceed in forma pauperis, we deny the petitions for writs of mandamus. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

PETITIONS DENIED